



## **H.R. 3887 – William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007**

### **FLOOR SITUATION**

H.R. 3887 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Tom Lantos (D-CA) on October 18, 2007. The House Committee on Foreign Affairs approved the bill, as amended, by voice vote on October 23, 2007. It was also referred to the House Judiciary Committee and the House Energy and Commerce Committee, but was discharged without markup.

H.R. 3887 is expected to be considered on the floor on December 4, 2007.

*Note: Rep. Ileana Ros-Lehtinen (R-FL), Ranking Republican on the Foreign Affairs Committee, is an original co-sponsor of this legislation.*

### **SUMMARY**

H.R. 3887 reauthorizes federal human trafficking programs at the Departments of State, Judiciary, Labor, and Health and Human Services.

Office to Combat and Monitor Trafficking: The bill permanently reauthorizes the Office to Combat and Monitor Trafficking within the State Department. The bill provides the Director of this office the sole responsibility for all policy, funding, and programming decisions for trafficking programs that are controlled by the State Department, which under current law would be under the authority of the Secretary of State.

Prevention and Prosecution of Trafficking in Foreign Countries: H.R. 3887 establishes additional programs to enhance the capacity of foreign governments to investigate private entities for trafficking and labor exploitation. It also provides resources for providing immigrant communities in foreign countries with information regarding their rights in that country. This information would be provided in their native languages.

The bill would grant assistance to ensure that foreign migrant workers in other countries receive equal protection and that labor rights are regulated. It also provides assistance for foreign governments to register vulnerable populations as citizens or nationals of the country.

Evaluation of Trafficking Programs: The bill requires the President to establish performance goals and performance indicators to monitor the effectiveness and efficiency of anti-trafficking programs.

Actions Against Governments Failing to Meet Minimum Standards: The bill requires that countries designated in the State Department's Trafficking in Persons Report as "Tier 2 Watch List" for human trafficking shall be moved to "Tier 3" after 2 years if no progress has been made in the country. "Tier 3" countries are subject to non-humanitarian and non-trade sanctions by the U.S.

*Note: The Trafficking in Persons Report is an annual report by the State Department required by the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).*

Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons: H.R. 3887 authorizes the President to establish an award entitled the "Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons," which is to be given to up to five individuals or organizations (U.S. and foreign) each year.

Protecting Trafficking Victims Against Retaliation: The bill allows individuals (as well as their parents and siblings), who are brought into the country by the government for human trafficking related investigations or prosecutions, to apply for T visas. It also expands the reasons by which human trafficking victims are permitted to remain in the United States.

Information for Work-Based Nonimmigrants on Legal Rights and Resources: The bill requires the Department of Homeland Security to issue a pamphlet within 120 days that details among other items: the nonimmigrant visa application processes; the illegality of slavery, human trafficking, sexual assault, worker exploitation, etc.; the services provided for victims of trafficking and worker exploitation; and the legal rights of immigrant victims of worker exploitation and other matters. This section also includes requirements for foreign labor recruiters to register with the Department of Labor to ensure the protection of foreign workers from unscrupulous foreign labor recruiters.

Ensuring Assistance for All Victims of Trafficking in Persons: The bill establishes a grant program administered by HHS and DOJ to provide assistance to U.S. citizens who are victims of severe forms of trafficking. \$64 million (evenly split between the 2 departments) is authorized over the 2008-2012 period to carry out this grant program. In carrying out the program, HHS and DOJ must consult with the Labor and State Departments as well as NGOs.

Extra-Territorial Jurisdiction in Certain Trafficking Offenses: The bill extends the jurisdiction of U.S. courts to foreign jurisdictions for trafficking crimes (committed outside of the U.S.) related to U.S. nationals and permanent residents as well as to any offender in the U.S., regardless of nationality.

Coordinators to Combat Human Trafficking: The bill mandates the Department of Justice create a "Coordinator to Combat Human Trafficking" position within the Department of Justice to coordinate intra- and inter-agency human trafficking efforts.

Trafficking of Children: The bill includes provisions aimed at preventing child trafficking at the U.S. border. It also establishes a pilot program within the State Department to develop and implement best practices for the safe and secure repatriation and reintegration of unaccompanied alien children to their home countries or last place of habitual residence. Additionally, H.R. 3887 requires DHS, HHS, DOJ, and the State Department to establish programs to ensure the protection of unaccompanied alien children, including: access to counsel, legal orientation presentations for custodian of the child, and independent guardian ad litem.

*Note: The access to counsel for unaccompanied minors is not at taxpayer expense.*

Child Soldier Prevention Act of 2007: H.R. 3887 incorporates provisions relating to the use of child soldiers. In addition to a Sense of Congress condemning the recruitment and use of child soldiers, H.R. 3887 prohibits U.S. military assistance or the export of U.S. munitions to countries that use child soldiers in the armed forces or other government supported defense force, as determined by the Secretary of State. The Secretary of State is to include a list of these countries in the annual human trafficking report. The bill includes a Presidential waiver for this prohibition.

## **BACKGROUND**

The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) was enacted in October 2000 to combat human trafficking, ensure the prosecution of traffickers, and protect the victims of trafficking. According to the State Department, approximately 800,000 people are trafficked annually, which does not include the millions who are trafficked within their own country.

These individuals are forced into sex slavery, compulsory labor, militant activities (including child soldiers), and numerous other abhorrent and brutal tasks. Threats of injury or retaliation against victims are made, and violence is often perpetrated. According to the Foreign Affairs Committee Report (Report No. 110-430), trafficking has been estimated to yield \$12 to \$17 billion each year.

H.R. 3887 is named after William Wilberforce, a British Parliamentarian who fought to abolish the global slave trade in the 19th Century.

## **COST**

The Congressional Budget Office estimates that H.R. 3887 “would increase discretionary costs by about \$825 million over the 2008-2012.” Additionally, according to the CBO, the bill would give the Department of Labor additional responsibilities relating to foreign labor contractors and the Department of Health and Human Services regarding medical and foster care for certain unaccompanied alien children. Due to a visa surcharge added post-markup, the CBO estimates that the bill will reduce direct spending by \$20 million over the 2008-2012 period.

[CBO Estimate: H.R. 3887](#)

*Note: Included in the CBO Estimate is a chart that breaks down the new authorization levels for each department under the bill.*

#### **ADDITIONAL INFORMATION**

[U.S. Department of State: Office to Monitor and Combat Trafficking in Persons](#)

[GAO Report: Human Trafficking \(July 2007\)](#)

#### **ADDITIONAL VIEWS**

The Administration has expressed concerns with H.R. 3887. The following documents were provided courtesy of the Department of Justice.

[Briefing Paper: Courtesy of the Department of Justice](#)

[Department of Justice letter regarding H.R. 3887, 11/09/2007](#)

[Department of Homeland Security letter regarding H.R. 3887, 11/09/2007](#)

[Department of Labor letter regarding H.R. 3887](#)

[Department of State letter regarding H.R. 3887, 11/14/2007](#)

[USAID letter regarding H.R. 3887, 11/15/2007](#)

#### **STAFF CONTACT**

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